

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ZACHARY LLOYD KALSO,
Plaintiff,
v.
BUTTE COUNTY JAIL,
Defendant.

No. 2:24-cv-00466 AC P

ORDER

Plaintiff is a county prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. It has come to the court's attention that the claims in the instant complaint are identical to those in Kalso v. Butte County Jail, No. 2:24-cv-0404 CKD, which was opened by the Clerk of the Court on February 5, 2024.¹ Plaintiff "has no right to maintain two separate actions involving the same subject matter at the same time in the same court and against the same defendant." MHC Fin. Ltd. P'ship v. City of San Rafael, 714 F.3d 1118, 1133 (9th Cir. 2013). The complaint in this case will therefore be construed as an amended complaint in the earlier filed action.

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¹ Both complaints allege that the Butte County Jail is violating plaintiff's rights by serving expired food, price gouging, and using plastic food trays that expose him to cancerous materials.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of Court is directed to file the complaint in this case as an amended complaint in Kalso v. Butte County Jail, No. 2:24-cv-0404 CKD; and
 2. The Clerk of the Court is directed to close this case.
 3. DATED: February 29, 2024.

Allison Claire
ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE